



CITY OF DURHAM | NORTH CAROLINA

Date: July 3, 2012

To: Thomas J. Bonfield, City Manager

Through: Keith Chadwell, Deputy City Manager

From: Kevin Dick, Director - Office of Economic and Workforce Development (OEWD)

Subject: Recommended Revision to the City Administrative Procedures to Address Term Limits

Executive Summary

This memorandum outlines a recommendation to revise the City Administrative Procedures to address term limits for City appointments to the Durham Workforce Development Board (DWDB). The recommendation would enable the City's administrative procedures to promote continuity of leadership on the Board and create equity in the maximum term limits stipulated by the Board of County Commissioners for County appointments to the DWDB.

Recommendation:

OEWD staff recommends that the City Administrative Procedures be modified to stipulate that the maximum term limit for a City appointment to the DWDB be up to four years and to maintain the provisions currently in place that would allow the City Council to remove Board members at their discretion, based upon the application of objectively-defined criteria herein.

OEWD staff consulted with both the City Attorney's office and the City Clerk's Office prior to formulating this recommendation.

Background

Both the Durham City Council and the Durham County Board of Commissioners appoint individuals to the DWDB under an Inter-Local Agreement between the City and County governments that was executed in 1999, under the auspices of the State of North Carolina Department of Commerce (NCDOC) and the United States Department of Labor (DOL). Membership on the DWDB is subject to the terms defined not only by the NCDOC and DOL, but also by the City Administrative Procedures and DWDB by-laws.

Currently, although the City Administrative Procedures stipulate that the maximum number of terms that a City appointment can serve is two, the procedures are silent with regard to the term lengths. Currently, the DWDB By-Laws provide the following language regarding a "full term" on the board:

ARTICLE III **MEMBERSHIP**

SECTION 5. A full term is 2 years, running July 1 through June 30. The person or entity that appointed a member to the board may remove the member from the board at any time without cause.

Currently, the By-Laws are silent as to how many terms a DWDB can serve on the board.

Issues and Analysis

As of 2011, there is a discrepancy between City and County procedures that govern term limits on board appointments. The City stipulates that citizens may serve only two (2) consecutive terms on boards. Under the existing DWDB By-Laws- this would equate to serving a total of four years on the Workforce Board. As of 2011, the Board of County Commissioners appointments may serve up to eight (8) years on a board; which is equivalent to four 2-year terms on the DWDB.

Staff is recommending that the existing DWDB By-Laws be amended to align the term-limits with the County procedures, by including the following language under **ARTICLE III- MEMBERSHIP, SECTION 5** to state:

(PROPOSED) - “A full term is 4 years, with each year running from July 1 through June 30. The person or entity that appointed a member to the DWDB may remove the member from the board at any time subject to the provisions set forth in the City Administrative procedures.”

As stipulated in the City Administrative procedures (attachment A), the City Council would continue to have the discretion to remove City-appointed DWDB members that fail to:

- pay property taxes in a timely fashion (Paragraph 9)
- remain compliant with applicable codes, ordinances, and regulations that the DWDB enforces (Paragraph 10)
- attend at least fifty percent (50%) of the scheduled DWDB meetings within a twelve (12) month period. (Paragraph 20)
- remain compliant with the code of ethics detailed in the Resolution #8145 (“Resolution Adopting Code of Ethics for the City of Durham and Requiring Public Officials to Disclose Certain Information”) and Attachment A (“Code of Ethics”) of Resolution #8145

By approving the recommended inclusion in the City Administrative Procedures, the City Council would facilitate equity on the DWDB as it relates to term limits, since any DWDB member, regardless of appointing body, would have the ability to serve up to eight years, provided they remained in good standing and consistent with the aforementioned provisions.

Also, the continuity on the DWDB could be preserved and the guidance to OEWD and Durham JobLink Career Center staff that is necessary to implement important initiatives could remain strong over time. Such initiatives have included the following over the past four years:

- the opening of a new JobLink Center at Northgate Mall;
- the creation Twitter and LinkedIn Accounts to better connect Board members and job seekers with available openings;
- The adoption of the 2010 and 2012 DWDB Strategic Plans;
- The earning of nearly \$200,000.00 in performance incentives;
- Resource Development efforts leading to the acquisition of well over \$1 million in grants that have enabled staff to provide enhanced direct services to businesses and job seekers;
- The placement of thousands of Durham residents in jobs and filling of thousands of available openings in the Durham JobLink database for Durham businesses;

Alternatives

The administration or City Council could elect not to accept the staff recommendation. This would lessen the chances of equity for DWDB terms and weaken the opportunities to preserve strong DWDB guidance of staff initiatives.

Financial Impact

None

SDBE Requirements

There are no SDBE requirements because no goals have been set for this item.

Attachments: City Administrative Procedures